United Nations A/C.4/67/SR.3

General Assembly
Sixty-seventh session

Official Records

Distr.: General
28 January 2013

Original: English

Special Political and Decolonization Committee (Fourth Committee)

Summary record of the 3rd meeting
Held at Headquarters, New York, on Tuesday, 9 October 2012, at 3 p.m.

Chair: Mr. Messone ..... (Gabon)

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The meeting was called to order at 3.10 p.m.

Agenda item 60: Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples (*Territories not covered under other agenda items*) (*continued*) (A/67/23 (chaps. VIII-XII), A/67/23/Corr.1, and A/67/366; A/C.4/67/4)

1. **Mr. Arias** (Spain), referring to the question of Gibraltar, said that the principle of territorial integrity was essential in the case of Gibraltar, as the General Assembly had made clear in its relevant resolutions and decisions. For Spain, the solution was the restitution of both the territory transferred from Spain under the Treaty of Utrecht and the land later occupied illegally by the United Kingdom. The interests of the people of Gibraltar must of course be taken into account and, in the negotiations with Spain, the United Kingdom was responsible for those interests as the administering Power. In accordance with the Committee's case-by-case approach to decolonization, Spain supported the principle of self-determination where applicable, but it did not apply to Gibraltar. It was intended for populations of colonized Territories and not for settlers imposed by an occupying Power to the detriment of the original inhabitants, whose rights were defended by the United Nations.

2. International law underscored the validity of the Treaty of Utrecht, which, as the United Kingdom itself had repeatedly recalled, ruled out independence without Spain's consent. Spain remained certain that a political solution, based on bilateral negotiations that took the special circumstances of Gibraltar into account, would settle the issue once and for all. He repeated his Government's recent call for bilateral talks on the decolonization of Gibraltar to resume as soon as possible, pursuant to the mandate reiterated by the United Nations and in the framework of the commitments made in the Brussels Declaration of 1984.

Hearing of representatives of Non-Self-Governing Territories and petitioners

3. **The Chair** said that, in line with the Committee's usual practice, representatives of Non-Self-Governing Territories would be invited to address the Committee and petitioners would be invited to take a place at the petitioners' table, and all would withdraw after making their statements.

4. **Mr. Corbin**, speaking on item 60 in general in his personal capacity as a consultant in governance, said that a number of United Nations bodies were to be commended for supporting Non-Self-Governing Territories in such fields as assistance, training, policy planning and climate change. Requests for information from United Nations bodies should focus attention on that assistance under agenda item 58 rather than on their implementation of the Declaration on decolonization.

5. Non-Self-Governing Territories had long benefited from building capacity by participating in international conferences, yet Territories had not been permitted to participate in the United Nations Conference on Sustainable Development. The established practice should be respected at future world conferences.

6. The resolutions of the General Assembly designed to involve the wider system in the decolonization process and its recommendations for hastening decolonization should be implemented because the status quo of dependency models was inconsistent with the principle of self-determination and contradictory to democratic governance.

7. **Ms. Williams** (Grenada) agreed that participation by Non-Self-Governing Territories in international conferences greatly contributed to capacity-building and wondered if the previous speaker had been thinking of any particular future event, skill set or capacity.

8. **Mr. Corbin** said that associate membership for the Non-Self-Governing Territories in two regional commissions, the Economic Commission for Latin America and the Caribbean and the Economic and Social Commission for Asia and the Pacific had been particularly useful since 1992, especially regarding events related to climate change. Among others, the 2014 Global Conference on the Sustainable Development of Small Island Developing States would also gain from the participation of Territories.

Question of Gibraltar

9. **Mr. Picardo** (Chief Minister of Gibraltar) said that neither the Government of the United Kingdom nor the people of Gibraltar would allow the bilateral negotiations which Spain wanted restarted regarding the sovereignty of the Territory to go ahead. The United Kingdom had repeatedly said that it would

never cede, or even enter into negotiations on, sovereignty against the express wishes of the people of Gibraltar. Furthermore, no encroachment on any part of the Territory nor any curtailment of its inhabitants' right to decide its future would be permitted by Gibraltar.

10. The Committee should remove Gibraltar from the list of Non-Self Governing Territories owing to its modernized relationship with the United Kingdom and in keeping with the option it had chosen under General Assembly resolution 2625 (XXV). It was of note that the current Constitution had been approved by the people in a referendum which the United Kingdom had described as an act of self-determination. Gibraltar intended to remain with the British Crown in perpetuity.

11. Over the previous 45 years, the people of Gibraltar had expressed their views in referendums and had sent their representatives to the United Nations, where Spain's attempts at colonization had been rejected. For modern Spain to be credible it should not preach freedom and democracy to the world while denying Gibraltarians the right to an opinion on their own future.

12. Centuries-old treaties like the Treaty of Utrecht, overtaken by other and more modern conventions, and now defunct, could not be used to justify incursions into British territorial seas around Gibraltar. Those continuing acts of aggression by a supposed ally and partner posed the risk of human injury. Spain had accepted the established limits of those territorial seas since the 1960s but was currently illegally asserting control over Gibraltarian waters.

13. Despite such intolerable acts, Gibraltar remained committed to the established Trilateral Forum for Dialogue now repudiated by Spain, and still sought positive engagement with the Government and people. In the current economic climate, Gibraltar and Spain should collaborate to promote employment and the development of the region on either side of their international border. Instead, the Government of Spain sought every opportunity to hinder the prosperity and progress of Gibraltar.

Question of New Caledonia

14. **Mr. Martin** (President of the Government of New Caledonia) said that despite French recognition of the pro-independence cause and highly symbolic gestures of peace, both of the parliamentary seats for New Caledonia in the French lower house had been won by an anti-independence party that had not signed the Nouméa Accord. The population of mostly European origin, suspicious of the changes made and anxious about the institutional future, had elected a President of Congress who did not support independence.

15. The changes in the political composition of the Territory had triggered an early start to the campaigns in preparation for the 2014 elections and would make it difficult for his Government to introduce legislation to address social inequality and necessary tax reforms. Nevertheless, New Caledonia must put the common good first and bring reason, understanding, maturity and consensus to bear, in a spirit of peace, respect and equality.

16. He paid tribute to Charles Pidjot, leader of the pro-independence Union calédonienne and a signatory of the Nouméa Accord, a national figure devoted to the common good, who had died on 11 September 2012. Implementation of the Nouméa Accord had progressed significantly. The transfer of powers basic to autonomy was proceeding on schedule and would continue to do so. Powers in public and private secondary education and private primary education had been transferred to New Caledonia on 1 January 2012, and civil security powers would be transferred on 1 January 2014. The Kanak Cultural Development Agency had been transferred on 21 August 2012.

17. Economic growth was assured and unemployment was low. From 2011 to 2015 the private sector would benefit from large-scale government investment in the form of development contracts. His Government's priority remained the reduction of economic, geographic and social inequalities, and Congress would soon have the development plan to the year 2025 before it. Agreements between management and unions had been reached to protect the population's purchasing power, competitive production and consumer goods distribution had been regulated, and non-wage-earnings retirees had been guaranteed decent old age pensions.

18. In international affairs, an agreement to establish New Caledonian missions in all French embassies in the Pacific region had already begun to expand New Caledonia's relations with neighboring countries. Bilateral cooperation had been strengthened and

diversified, and trade with Australia and New Zealand had been promoted. Relations with the Melanesian Spearhead Group, and the Pacific Islands Forum had been consolidated, and New Caledonia had applied for membership. Already host to the Secretariat of the Pacific Community, New Caledonia would soon become its major donor. Nouméa had been the setting for a regional joint declaration on climate change signed by 14 Pacific States and Territories, for presentation to the recent United Nations Conference on Sustainable Development in Rio.

19. **Mr. Aisi** (Papua New Guinea) said that he would like to know how many of the people of Kanaky/New Caledonia had been or would be trained in professional fields so that they could participate more effectively in the public and private sectors. Such training would help them to benefit from, inter alia, the development of their country's rich natural resources.

20. **Mr. Martin** (President of the Government of New Caledonia) said that training for youth was a priority. Training schemes for the unemployed that concentrated on the Kanak population had successfully prepared candidates for managerial positions in all fields. Students could also take advantage of special programmes to study first at the University of New Caledonia before moving to the most important educational institutions in France or campuses in Canada. It was worth noting that the Kanak population in fact held a large stake in the Territory's nickel industry.

Question of Guam (A/C.4/67/2)

21. **Ms. Na'puti** (Guåhan Coalition for Peace and Justice) said that the planned increase in the military presence on the island would further push Chamorus to the margins and reinforce the economic, social and financial stranglehold of the United States.

22. The United States was responsible for advancing the decolonization of Guåhan and for developing a programme to educate the people about the three self-determination options available to them in the forthcoming plebiscite. The eligibility requirements for participation in the plebiscite were established under United Sates law by the 1950 Organic Act of Guam and the 1965 Voting Rights Act; and the administering Power should not allow its own legal process to be subverted by mischievous lawsuits seeking to bar the qualified indigenous electorate from exercising the right of self-determination.

Question of the Turks and Caicos Islands (A/C.4/67/3)

23. **Mr. Malcolm** (Human Rights Commission, Turks and Caicos Islands) said that despite the initiatives mounted by the United Nations to rid the world of its curse, the death knell of colonialism had not been sounded. The trusteeship system should be reinstated to provide dependent communities with a voluntary option to colonialism, which was debasing and dehumanizing. He submitted a resolution by which that system would be revived in the Turks and Caicos Islands.

24. **Mr. Forbes** (Turks and Caicos Islands People's Referendum Committee) said that he supported the resolution proposed by the previous speaker. The United Kingdom, acting in its own interests rather than those of the Islanders, was enforcing a pernicious form of colonialism under which it had not only imposed value added tax in the face of outright opposition, but had suspended the Constitution without making provision for necessary reforms, failed to establish democratic checks on the power of the British Governor, imposed an unconstitutional control over Island finances that would continue even after the return of elected government, and generally showed an utter disregard for democracy.

Question of Western Sahara (A/C.4/66/5)

25. Mr. Sahel (National Association for Youth Exchanges) said that it was primarily Sahrawi young people who had to bear the brunt of Moroccan colonialism. They were affected by high unemployment and lack of education. Daily pressures and physical violence at the hands of the Moroccan forces compelled them to flee to isolated regions and live in rudimentary camps in temperatures of over 50 degrees. The policy of starvation, fear and ignorance applied by the Moroccan colonial regime was designed to weaken Sahrawi youth and erase their national identity. Its purpose was to consolidate the occupation and to destroy the sociocultural fabric of the Sahrawi people. Under those conditions, Sahrawi young people were beginning to call for a return to armed struggle. Yet they were prepared to resist Moroccan colonialism by all peaceful means. They were asking only for their right to be treated as citizens living in dignity in a Sahrawi Arab

Democratic Republic. It was to be hoped that the international community would find a definitive solution that would bring security, peace and stability to the Sahrawi people and the region as a whole.

26. **Mr. Sadouk**, speaking in his personal capacity as a professor at the University of Tizi-Ouzou, Algeria, said that the question of Western Sahara had been recognized as a decolonization issue under General Assembly resolution 1514 (XV). The advisory opinion of the International Court of Justice of 1975 had also been unequivocal about the colonial status of the Territory and the report of the United Nations Visiting Mission to Spanish Sahara of that same year had recommended organizing a referendum by which the people could opt for the independence they so clearly desired. The Territory should therefore be decolonized and the Sahrawi people enabled to exercise their right of self-determination without further delay. The borders of Western Sahara had been determined by agreements during the colonial era, and should be recognized and left as they were.

27. **Mr. Ayachi** (Comité national algérien de solidarité avec le peuple sahraoui) said that he wanted to voice the concerns of his non-governmental organization regarding the deliberate human violations committed by the Moroccan security forces, which had imposed a reign of terror to silence the population of Western Sahara through daily illegal and arbitrary arrests, forced disappearances and torture. Those violations took place under a virtual media blackout; any visits by observers that were allowed were closely supervised. Despite such restrictions, numerous missions by major international human rights bodies and observers, including the Special Rapporteur of the Human Rights Council on torture and other cruel, inhuman or degrading treatment or punishment, had denounced the treatment suffered by the population.

28. The mandate of the United Nations Mission for the Referendum in Western Sahara (MINURSO) should be expanded to include protection of human rights and organization of the self-determination referendum which the international community had requested for so long.

29. **Mr. Berkouk** (Centre de recherche stratégique et sécuritaire) said that Morocco had been occupying Western Sahara illegally and that the case should be dealt with as an example of colonization. Morocco refused to recognize the right to freedom and independence of the Sahrawi people, repressing them and violating their human rights, while pillaging the resources of Western Sahara and its waters.

30. The resistance offered thus far had been peaceful but patience was running out and giving way to a call for armed resistance. Furthermore, the illegal means Morocco was using to finance its war machine destabilized regional security.

31. A more proactive mandate should enable MINURSO to hold the referendum on self-determination and the Mission should in the meantime be able to monitor human rights violations. Resolution of the conflict should be considered a matter of international security under Chapter VII of the Charter of the United Nations, and arms sold to Morocco should not be used against the Sahrawis. The pillage of natural resources should cease and they should be excluded from trade agreements. Finally, Morocco should be pressed to take a more serious position in its negotiations with the Frente Popular para la Liberación de Saguía el-Hamra y de Río de Oro (Frente Polisario).

32. **Ms. Huff** (Teach the Children International) said that security was lacking in and around the refugee camps in Tindouf, Algeria. For example, in 2011 three aid workers had been kidnapped from the camps, prompting Spain subsequently to repatriate all its aid workers from there. The issue of Western Sahara must be settled in order to promote safety in the region. Moreover, many refugees in the Tindouf camps had complained of serious human rights abuses committed against them by the Frente Polisario. They should be given the right to complain of such abuses and have them recorded.

33. The Frente Polisario should allow entire families to come during each of the family visits that were promoted as a confidence-building measure by the Office of the United Nations High Commissioner for Refugees (UNHCR). The Frente Polisario was allowing only one family member at a time to participate in any given visit. The United Nations itself should do more to promote the building of a road between Tindouf and the town of Smara in Morocco, which would make it much easier for refugees to visit their families in Mauritania and southern Morocco or to relocate to those areas. Lastly, elementary education in the Tindouf camps must be improved. Many returnees with whom she had spoken had little or no education and

were handicapped by illiteracy as they tried to function as adults in society.

34. **Ms. Sherrill** (The Glenpool Outreach Center at The Landing) said that it had been widely reported that terrorist activity in the Tindouf refugee camps had escalated owing to the growing Al-Qaida presence in the region and that there had been kidnappings there. It was therefore urgent to remove the refugees to safer ground. Moreover, there had been reports for years that the Frente Polisario had diverted much of the aid provided by the United Nations and had deceived humanitarian organizations about using their gifts to benefit the refugees. The United Nations should therefore enlist permanent on-site monitors other than the ruling Frente Polisario to control the camps.

35. Her organization recommended that the Government of Algeria should assume responsibility for overseeing the camps; that the refugees should be allowed to benefit from the housing, schools and training programmes that the Moroccan Government was preparing for them in Morocco; and that all Sahrawi people living or born in the refugee camps since 1975 should be released from their squalid conditions and be allowed to immigrate to Morocco.

36. **Mr. Kumar**, speaking in his personal capacity as a professor of African studies at the University of Delhi, said that Morocco had made a constructive proposal regarding autonomy for the Sahara region within the Kingdom. Under that initiative, the region would have its own autonomous legislative, executive and judicial authorities, together with representation in the national Parliament and other national institutions and functions. The region would have adequate financial resources for its development, derived partly from local taxes and revenue from the exploitation of its own natural resources, and partly from State funds. A referendum would be held on the terms of the region's autonomy, as guaranteed by Morocco's Constitution of 2011. Under the new Constitution, Morocco was a nation encompassing diverse identities within unity; and thus some Government powers had been devolved to the regions. Regionalization, leading towards federalization, was the only way for Morocco to achieve peace and development.

37. **Ms. Lenz** (Not Forgotten International) said that the people of Western Sahara had been living under the rule of a Kingdom that had invaded their God-given homeland in 1975 and physically divided it with a landmined berm stretching its entire length. The Sahrawi people risked dire consequences for voicing their true desires for independence. She herself had been told by a Moroccan official in the United States never again to testify at Fourth Committee hearings concerning Western Sahara. If Moroccan-paid individuals thought they could harass a United States citizen in her own country, one could only imagine what they were doing in the occupied Territory, where, indeed, human rights abuses had been documented.

38. The patience of the Sahrawi people was wearing dangerously thin and there was growing sentiment that they would rather die fighting for their own country than be known as refugees who had died committed to a peaceful solution. It was time for the United Nations to take action and put an immediate end to the largest illegally occupied colony in the world, Western Sahara.

39. **Mr. Smith** (Western Sahara Resource Watch) said that during the previous week a number of Sahrawi youth had occupied offices in the United Nations mission in the West Saharan city of Smara, to protest the continued taking of natural resources from their occupied country. His organization had submitted a paper to the Committee exploring the matter of natural resources in Western Sahara and the right of the Sahrawi people to self-determination and sovereignty over those resources.

40. The value of the natural resources exported by the occupying Power from Western Sahara in 2011 had exceeded $400 million, the vast part of which derived from sales of phosphate rock under long-term contracts with phosphate producers in various countries.

41. Some of the consequences of taking natural resources from occupied Western Sahara were the direct financial gain by the occupying Power, and the corresponding denial of revenue to the Sahrawi people, half of whom lived in poverty in refugee camps; the perpetuation of the occupation, which included the ongoing settlement of the Territory by the occupier's nationals; and the violation of international law, specifically those Articles of the Charter of the United Nations referring to territorial sovereignty and the protection of peoples under occupation.

42. His organization recommended that the Committee and the General Assembly should take action to protect Western Sahara's natural resources while its people awaited self-determination, as had been done previously in connection with Namibia. The

Committee should address the problem of the development and illegal export of natural resources from Western Sahara in its 2012 resolution on the Territory, calling upon the General Assembly to refer to the International Court of Justice the question of the legality of those activities; call for the appointment of a United Nations rapporteur for natural resources in Western Sahara, who would work in conjunction with the Personal Envoy of the Secretary-General; and consider proposing United Nations administration of those resources pending the self-determination of the Sahrawi people.

43. **Mr. Pinto Leite** (International Platform of Jurists for East Timor) said that Morocco, the Power occupying most of the Territory of Western Sahara, was opposed to the holding of a free, democratic and impartial referendum that would allow the Sahrawi people to choose between independence or integration into Morocco or another State. At the same time, it was seeking the complicity of States, international organizations and private companies in order to exploit the natural resources of Western Sahara, just as it was seeking to alter the traditional nomadic way of life of the inhabitants. The General Assembly had the responsibility of declaring, in its forthcoming resolution, that Morocco must immediately allow a referendum on self-determination to be held under United Nations auspices. The General Assembly must also declare that any economic activity carried out in the Territory that did not respect the wishes and interests of the Sahrawi people was illegal, and that their cultural particularity must be respected.

44. Representatives of the United Nations High Commissioner for Human Rights had observed violations of the population's economic, social and cultural rights; the Special Rapporteur on torture had recently presented an interim report stating that Sahrawis were still being tortured by Morocco. The United Nations was responsible for protecting the Sahrawi people against abuse by Morocco.

45. **Mr. Chauprade**, speaking in his personal capacity, said that the speed with which separatism had given way to fundamentalism in Mali — formerly, like Morocco, a lynchpin of stability in the region — should give pause to those who favoured the independence of Western Sahara. The Saharan people were being worked upon by the same fundamentalist forces as the Malian and Algerian Tuaregs were. A return to stability in the region was contingent upon both justice and pragmatism. Justice meant recognizing the specificity of different groups within the framework of autonomy, while pragmatism meant strengthening the nation State against separatist tendencies. The issue of Western Sahara should no longer be viewed through the old lens of the Cold War. The new dividing line was between those who wished to combine State sovereignty with autonomy arrangements while defending moderate Islam, and those who wanted to destroy the nation State in the name of an extremist religious agenda. Morocco's just and balanced proposal for Saharan autonomy within the nation was the way of the future.

46. **Mr. Lakhrif** (Member of the Moroccan Parliament), speaking in his personal capacity as a representative of Laayoune province, expressed his anger over the difficult conditions of his fellow tribespeople in the Tindouf refugee camps. Terrorist groups and traffickers had taken advantage of the situation to infiltrate the camps, a fact that leaders of the Frente Polisario themselves had acknowledged; and they had unquestionably done so with Frente Polisario complicity. The situation had deteriorated to the point that countries like Spain and Italy were withdrawing their nationals from Tindouf. The despair and frustration of his people were a result of the stubborn attitude of the Frente Polisario, with their fictitious republic, and the continued obstruction of the Moroccan autonomy plan by the Algerian Government even though the plan would guarantee the dignity and cultural identity of the Saharan people. Surely Algeria must understand that by providing logistic support to separatists and undermining the territorial integrity of its neighbours it was exposing its own territory to the same dangers.

47. **Mr. Legros**, speaking in his personal capacity as a Belgian human rights activist and a founder of Avocats sans Frontières, said that a recent Spanish television programme had shown photographs, allegedly provided by the Frente Polisario, that purportedly depicted the violent dismantling of a refugee camp in Western Sahara by the Moroccan army. However, those photographs did not depict any such dismantling and had been taken 10 months prior to the alleged event in an entirely unrelated context. A Belgian court had justly condemned the television channel in question. While freedom of the press was essential, journalists should not falsify evidence to manipulate public opinion.

48. During a visit to Laayoune with other members of a human rights association, he had not encountered any person whose basic rights had been violated. However, he had also requested to go to Tindouf and had not been authorized to do so. That had led him to wonder who was actually violating human rights in the region.

49. **Mr. Neto** (Chairman, Partido Democrático Angolano) said that, for historical reasons, Western Sahara was an integral part of Morocco, just as Cabinda was a part of Angola. Moreover, when the former colonial Power, Spain, had left Western Sahara, it had never transferred its powers to any liberation movement or to the Frente Polisario. False claims by third States seeking access to the sea or to the natural wealth of the Sahara through their proxies must be exposed as such.

50. The thousands of refugees at Tindouf and elsewhere had fallen prey to manipulators, while the same drug traffickers and terrorists who had gained a foothold in Mali posed a threat throughout the Maghreb.

51. Morocco, which in 2011 had adopted a new Constitution defining democratic and minority rights and freedoms, must not delay in granting the proposed autonomy to Western Sahara under its broad new policy of decentralization. Morocco's legitimacy and its will to create the conditions for Saharan social development and stability were paving the way for an end to the conflict there.

52. Accordingly, the Committee was urged to act to ensure that Morocco's sovereignty over all its territory would be respected, thereby ending its internal crisis and guaranteeing national reconciliation, democracy and peace. The question of Western Sahara should then be dropped from the Committee's agenda. Member States should not continue to recognize any semblance of statehood for the Frente Polisario, but should instead develop good relations with Morocco.

53. **Mr. Aljabari** (Palestinian-Moroccan Friendship Society) said that the main victims of the dispute over Western Sahara were the Saharan people living in misery in the camps in Tindouf and southern Algeria. Morocco was well on its way to becoming a State governed by the rule of law with protection for human rights; in contrast, life in the camps was marked by arbitrary detention, slavery, denial of freedom of expression, rape and many other violations. How long would UNHCR, MINURSO, the International Red Cross and the world's media keep silent about such crimes? How long would certain so-called human rights organizations, bloated with Algerian petrodollars, continue to wage a proxy war against Morocco? Morocco was offering the inhabitants of the country's southern districts a broad measure of self-government, with extensive powers to manage their own affairs under Moroccan sovereignty. The Committee should take that offer into account.

54. **Mr. Lippiatt** (WE International), recalling that in 1975 the International Court of Justice had determined that Morocco had no right to claim sovereignty over Western Sahara, said that the United Nations needed to take action, otherwise it could expect to keep hearing reports of Morocco's gross human rights violations for years to come. It was clear that Morocco did one thing and said another. It said it wanted to bring about a referendum on the self-determination of the Sahrawi people, but it never allowed it to be held. The Sahrawis and their leadership, on the other hand, wanted a peaceful resolution and a return to their homeland, and looked to the United Nations for help.

55. Morocco was exploiting the natural resources of Western Sahara and committing gross human rights violations there, as confirmed by organizations like Amnesty International, Human Rights Watch and the Robert F. Kennedy Center for Human Rights. It argued that it had changed its Constitution and improved its human rights policy, but it had not improved it with regard to the Sahrawi people. One example had been the peaceful protest over social conditions at the Gdim Izik camp two years earlier, during which the Moroccan army had used tear gas, water cannons and live bullets. Over 30 Sahrawis had died, hundreds had been injured and more than 150 had been arrested. The army had built a berm around the camp and prevented Western media and MINURSO from witnessing its attacks. Morocco had no regard for human rights or for the United Nations, and it had no qualms about suppressing the Sahrawi people. He appealed to the Committee to do more to help them.

56. **Mr. Dkhil** (Chair, Legislative and Human Rights Committee of the Moroccan Parliament) said that his Government had put forward a realistic initiative aimed at resolving the conflict over the Saharan region by giving those southern districts of the country self-government. That initiative had been greeted with a broad measure of international acclaim, but the other parties had reacted with hostility. The Frente Polisario, however, was not the sole representative of the so-called "Sahrawi people", as it claimed to be. He himself was a Saharan, and had been freely elected by other Saharans to a seat in the Moroccan Parliament.

The vast majority of Saharans had never left the Sahara for the camps of Tindouf, but had remained safely in their native land. Accordingly, the blockade on the camps should be lifted, a census of their residents conducted, in accordance with the relevant Security Council resolutions, and the people allowed to return if they so chose.

57. **Mr. Boukhari** (Frente Polisario) recalled that, every year, the Frente Polisario came before the Committee to convey the Sahrawi people's hopes and their trust in the United Nations. In 1979, the Committee had drafted General Assembly resolution 34/37, demanding that Morocco end its military occupation of Western Sahara, but Morocco had disregarded that demand. It had betrayed its own commitment to hold a referendum that would include the option of independence and had unilaterally proclaimed its sovereignty over the Territory. In addition, the negotiations between the Frente Polisario and Morocco had been suspended because Morocco had decided to stop cooperating with the Personal Envoy of the Secretary-General. Meanwhile, Morocco continued violating human rights and plundering the region's natural resources. Should Morocco still prevent MINURSO from exercising its authority to hold a referendum on self-determination, the Sahrawi Arab Democratic Republic, long a recognized member of the African Union, hoped that the Committee would back its admittance to the United Nations as a Member State.

Statements made in exercise of the right of reply

58. **Mr. Tatham** (United Kingdom), replying to the Spanish delegation's statement, recalled that the United Kingdom had sovereignty over Gibraltar and the Territorial waters surrounding it, and that as a separate Territory Gibraltar enjoyed the individual and collective rights accorded by the Charter of the United Nations. The 2006 Gibraltar Constitution, accepted by the people of Gibraltar in a referendum that had been a democratic, lawful act of self-determination, provided for a mature relationship between Gibraltar and the United Kingdom, not one based on colonialism. Unfortunately, the outdated de-listing criteria of the Special Committee on decolonization failed to recognize the mutually acceptable relationship between the United Kingdom and Gibraltar, and it should review those criteria in its future deliberations so as to take better account of that modern relationship.

59. In his Government's view, the principle of territorial integrity had never been applicable to the decolonization of Gibraltar. Gibraltar's right of self-determination, confirmed by the new Constitution, in conformity with the Charter of the United Nations and international treaties, was not constrained by the Treaty of Utrecht except insofar as article X gave Spain the right of refusal should the United Kingdom ever renounce sovereignty. While noting that Gibraltar disagreed that such a constraint existed, his Government held that independence would be an option only with Spanish consent.

60. Gibraltar's Constitution did not in any way diminish British sovereignty and the United Kingdom retained full international responsibility for Gibraltar. He reaffirmed the United Kingdom's long-standing commitment that it would never allow the people of Gibraltar to pass under the sovereignty of another State against their wishes, and that it would not enter into sovereignty negotiations which they opposed.

61. His Government enjoyed strong relations with Spain and would continue to work constructively with it on all Gibraltar-related issues. The Governments of the United Kingdom and Gibraltar regretted that Spain had withdrawn from the constructive Trilateral Forum for Dialogue, which had fostered improved relations and addressed practical ways of building cooperation for the benefit of people on both sides of the frontier. The Trilateral Forum functioned without prejudice to the respective positions of the United Kingdom and Spain on sovereignty, on which the United Nations did not take a view. His Government hoped that the Trilateral Forum could resume at the earliest opportunity, and it stood ready to explore new means of advancing dialogue that fully reflected the interests, rights and responsibilities of Gibraltar. It also hoped that it would be possible to achieve a consensus decision in the Committee, as had been the case for the past 37 years, and it continued to work with the Government of Spain to that end.

62. **Ms. Pedrós-Carretero** (Spain), replying to the statement by the United Kingdom, reiterated that her Government had not changed its position with regard to the waters around Gibraltar. Gibraltar had no maritime areas of its own including any adjacent to the isthmus except for the waters of the port, which had been expressly ceded to the United Kingdom under the Treaty of Utrecht.

The meeting rose at 6 p.m.